

Message Text

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C O N F I D E N T I A L STATE 044247

E.O. 11652: GDS

TAGS: MASS, MOPS, BR

SUBJECT: PRIVILEGES AND IMMUNITIES FOR MILITARY PERSONNEL

REF: BRASILIA 01085

1. IT IS OUR UNDERSTANDING THAT TERMINATION OF 1952 MUTUAL
DEFENSE ASSISTANCE AGREEMENT ON MARCH 11 WOULD AFFECT
PRIVILEGES AND IMMUNITIES (P & I) OF THOSE USG PERSONNEL
WHO ARE PRESENT IN BRAZIL UNDER 1955 JBUSMC AGREEMENT AND
1952 AERIAL MAPPING AGREEMENT. DEPT. IS UNAWARE OF
ANY OTHER USG PERSONNEL WHOSE STATUS WOULD BE AFFECTED.

2. IN ABSENCE OF AGREEMENT, USG PERSONNEL IN BRAZIL (OTHER
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THAN DIPLOMATIC AND CONSULAR PERSONNEL ENTITLED TO CER-
TAIN MINIMUM STANDARDS UNDER INTERNATIONAL LAW) ARE EN-
TITLED TO P & I ONLY INsofar AS GOB IS PREPARED TO EX-
TEND THEM. WE THEREFORE SEE TWO POSSIBLE COURSES OF ACTION
WITH RESPECT TO THOSE INDIVIDUALS WHO, AFTER MARCH 11, WILL
REMAIN IN BRAZIL PENDING THE EXPIRATION OF THE JBUSMC AND
AERIAL MAPPING AGREEMENTS. THE FIRST, AND PREFERABLE,

ALTERNATIVE WOULD BE TO EXCHANGE NOTES WITH GOB CONFIRMING CONTINUATION OF P & I FOR THOSE INDIVIDUALS. THE SECOND WOULD BE TO NOTIFY SUCH PERSONNEL TO THE GOB AS ADMINISTRATIVE AND TECHNICAL STAFF OF EMBASSY BRASILIA, IF GOB WOULD BE WILLING TO ACCEPT THEM IN SUCH CAPACITY.

3. THE FIRST COURSE IS TO BE PREFERRED, INASMUCH AS IT WOULD AVOID UNDUE ENLARGEMENT OF EMBASSY COMPLEMENT ENJOYING P & I UNDER VIENNA CONVENTION. WHILE WE UNDERSTAND THAT REMAINING JBUSMC AND AERIAL MAPPING PERSONNEL WOULD BE FEW IN NUMBER, WE WOULD WISH TO AVOID SITUATION WHICH WOULD MAKE IT DIFFICULT TO REFUSE GOB A SIMILAR REQUEST WITH RESPECT TO ITS REPRESENTATION IN WASHINGTON. MOREOVER, THIS "CONFIRMATION" APPROACH WOULD PERMIT THINGS TO CONTINUE ON A STATUS QUO BASIS, THEREBY AVOIDING ANY POSSIBLE MISUNDERSTANDINGS AS TO P & I ACCORDED JBUSMC AND MAPPING PERSONNEL.

4. ACCORDINGLY, UNLESS EMBASSY PERCEIVES OBJECTIONS, RECOMMEND EMBASSY RAISE ISSUE WITH GOB, POINTING OUT OUR CONCERN THAT P & I FOR JBUSMC AND MAPPING PERSONNEL NOT LAPSE AS OF DATE OF EXPIRATION OF 1952 MUTUAL DEFENSE ASSISTANCE AGREEMENT AND THAT USG DESIRES THAT SUCH PERSONNEL CONTINUE TO BE ACCORDED P & I UNTIL THEIR WITHDRAWAL FROM BRAZIL UPON EXPIRATION OF JBUSMC AND MAPPING AGREEMENTS. EMBASSY WOULD THEN PROPOSE EXCHANGE OF NOTES CONFIRMING STATUS OF THESE INDIVIDUALS, USING TEXT SET

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OUT BELOW AS BASIS FOR EMBASSY NOTE.

5. FOLLOWING IS SUBSTANTIVE PORTION OF PROPOSED EMBASSY NOTE ON ABOVE SUBJECT: QUOTE I HAVE THE HONOR TO REFER TO RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS CONCERNING CERTAIN ASPECTS OF THE TERMINATION OF VARIOUS AGREEMENTS RELATING TO COOPERATIVE MILITARY ACTIVITIES OF THE UNITED STATES AND BRAZIL.

IN PARTICULAR, I HAVE THE HONOR TO REFER TO THE MILITARY ASSISTANCE AGREEMENT OF MARCH 15, 1952, WHICH SHALL TERMINATE ON MARCH 11 OF THIS YEAR. ARTICLE VI OF THAT AGREEMENT PROVIDES FOR THE EXTENSION OF PRIVILEGES AND IMMUNITIES TO UNITED STATES GOVERNMENT PERSONNEL PRESENT IN BRAZIL IN CONNECTION WITH THAT AGREEMENT. IT IS THE UNDERSTANDING OF MY GOVERNMENT THAT THAT ARTICLE HAS SERVED AS THE BASIS FOR THE EXTENSION OF PRIVILEGES AND IMMUNITIES AS WELL TO UNITED STATES GOVERNMENT PERSONNEL PRESENT IN BRAZIL IN CONNECTION WITH THE AGREEMENT OF SEPTEMBER 20, 1955, ON THE JOINT BRAZIL-UNITED STATES MILITARY AND DEFENSE COMMISSIONS, AND THE AGREEMENT OF JUNE 2, 1952, RELATING TO AERONAUTIC

CHARTING AND TOPOGRAPHIC MAPPING IN BRAZIL.

THE LATTER TWO AGREEMENTS SHALL TERMINATE ON SEPTEMBER 19, 1978, AND MARCH 10, 1979, RESPECTIVELY. INASMUCH AS THESE AGREEMENTS SHALL TERMINATE SUBSEQUENT TO THE TERMINATION OF THE MILITARY ASSISTANCE AGREEMENT OF MARCH 15, 1952, IT IS THE DESIRE OF MY GOVERNMENT TO ASSURE THAT THE PRIVILEGES AND IMMUNITIES NOW ACCORDED UNITED STATES GOVERNMENT PERSONNEL PRESENT IN BRAZIL IN CONNECTION WITH THOSE TWO AGREEMENTS WILL NOT BE AFFECTED BY THE TERMINATION OF THE MILITARY ASSISTANCE AGREEMENT OF MARCH 15, 1952, ON MARCH 11 OF THIS YEAR.

ACCORDINGLY, I HAVE THE HONOR TO REQUEST THAT YOUR
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EXCELLENCY CONFIRM THAT THE PRIVILEGES AND IMMUNITIES ACCORDED BY THE BRAZILIAN GOVERNMENT TO UNITED STATES GOVERNMENT PERSONNEL PRESENT IN BRAZIL IN CONNECTION WITH THE AGREEMENT OF SEPTEMBER 19, 1955 ON THE JOINT BRAZIL-UNITED STATES MILITARY AND DEFENSE COMMISSIONS AND THE AGREEMENT OF JUNE 2, 1952 RELATING TO AERONAUTIC CHARTING AND TOPOGRAPHIC MAPPING IN BRAZIL WILL CONTINUE TO BE ACCORDED TO SUCH PERSONNEL NOTWITHSTANDING THE TERMINATION OF THE MILITARY ASSISTANCE AGREEMENT OF MARCH 15, 1952.

ACCEPT, ETC. UNQUOTE.

6. IF GOB IS IN ACCORD WITH USG OBJECTIVES BUT IT UNABLE TO EXTEND P & I THROUGH EXCHANGE OF NOTES AS SUGGESTED ABOVE, EMBASSY IS AUTHORIZED TO EXPLORE WITH GOB ALTERNATIVE POSSIBILITY OF NOTIFICATION OF AFFECTED PERSONNEL TO GOB AS MEMBERS OF EMBASSY'S ADMINISTRATIVE AND TECHNICAL STAFF. VANCE

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